

ARIZONA STATE BOARD OF PHARMACY
1700 W. Washington Street, Room 250
Phoenix, Arizona 85007
(602) 771-2727

In the Matter of:

DANIEL ECHAVARRIA,

Holder of License No. T017804
As a Pharmacy Technician Trainee
In the State of Arizona

**FINDINGS OF FACT, CONCLUSIONS
of LAW and BOARD ORDER
No. 11-0006-PHR**

Pursuant to Notice of Hearing Number 11-0006-PHR (Notice) this matter came before the Arizona State Board of Pharmacy (Board) on January 27, 2011.

Steve Haiber, president, presided with vice-president Dan Milovich and members James W. Foy, JoAnne Galindo, Dennis McAllister, Nona Rosas, Kyra Locnikar, and Tom Van Hassel in attendance.

The State was represented by the Office of the Attorney General, Elizabeth Campbell, Assistant Attorney General, Licensing and Enforcement Section. Christopher Munns, of the Solicitor General's Section of the Attorney General's Office was present to provide independent legal advice to the Board. Daniel Echavarria, (Respondent) was not present and was not represented by an attorney. The Board, after considering the testimony and evidence presented, hereby issues the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. During all relevant times to these findings, Respondent worked as a pharmacy technician trainee at The Apothecary Shop in Scottsdale, Arizona (the "Pharmacy").

1 2. On or about March 4, 2010, while working at the Pharmacy, Respondent
2 diverted approximately \$400 from the Pharmacy by performing a fraudulent refund.
3

4 **CONCLUSIONS of LAW**

5 1. The Board possesses jurisdiction over the subject matter and over Respondent
6 pursuant to A.R.S. § 32-1901 *et seq.*
7

8 2. The Board may discipline a pharmacy technician trainee who has engaged in
9 unprofessional conduct. A.R.S. § 32-1927.01(A)(1).

10 3. The conduct and circumstances described in the Findings of Fact constitute a
11 violation of A.R.S. § 13-1802(A)(1) (A person commits theft if, without lawful authority, the
12 person knowingly controls another person's property with the intent to deprive that other
13 person of such property). Theft is a crime of moral turpitude.

14 4. The conduct and circumstances described above constitutes unprofessional
15 conduct pursuant to A.R.S. § 32-1901.01(C)(6) (Committing a felony, whether or not
16 involving moral turpitude, or a misdemeanor involving moral turpitude or any drug- related
17 offense. In either case, conviction by a court of competent jurisdiction or a plea of no contest
18 is conclusive evidence of the commission).
19

20 **ORDER**

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22 In view of the above Findings of Fact and Conclusions of Law, the Board issues the
23 following Order:
24

25 The pharmacy technician license issued to Daniel Echavarria is hereby revoked.

26 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

27 Respondent is hereby notified of the right to petition for a rehearing or review by filing
28 a petition with the Board's Executive Director within thirty (30) days after service of this
29

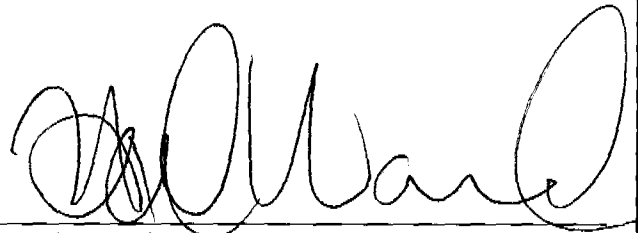
1 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting
2 a rehearing. A.C.C. R4-23-128. Service of this order is effective five (5) days after date of
3 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five
4 (35) days after it is mailed to Respondent.
5

6 Respondent is further notified that the filing of a motion for rehearing is required to
7 preserve any rights of appeal to the Superior Court.
8

9
10
11 DATED this 7th day of February, 2011.
12

13 **ARIZONA STATE BOARD OF PHARMACY**
14

15 SEAL
16



17
18 Hal Wand, R.Ph.
19 Executive Director
20
21

22 ORIGINAL OF THE FORGOING FILED
23 this ____ day of _____, 2011, with:

24 Arizona State Board of Pharmacy
25 1700 West Washington Street, Suite 250
26 Phoenix, Arizona 85007
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1 COPY OF THE FOREGOING MAILED
2 BY CERTIFIED & REGULAR FIRST-CLASS MAIL
3 this 7 day of February, 2011, to:

4 Daniel Echavarria
5 6804 6th Street
6 Scottsdale, AZ 85251
7 Respondent

8 COPY OF THE FOREGOING MAILED
9 this 7 day of FEB, 2011, to:

10 Christopher Munns
11 Assistant Attorney General
12 1275 W. Washington Street, CIV/SGO
13 Phoenix, Arizona 85007
14 Attorney for the Board

15 and

16 Elizabeth A. Campbell
17 Assistant Attorney General
18 1275 W. Washington Street, CIV/LES
19 Phoenix, Arizona 85007
20 Attorney for the State

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